

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 20, 1997**

DIVISION ONE

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B115588      Maria I.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Dept. of Children & Family Services, r.p.i.)

The Court:

The petition is denied.

Ortega, Acting P.J. Vogel (Miriam A.), J. Masterson, J.

B102978      Mercury Casualty Company  
v.  
Hertz Corporation

Filed order certifying opinion for publication.

## DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., Ito, J. (Assigned), and G. Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B110671 People v. Freddy B.  
B105072 People v. Dorris  
B109584 People v. Hite  
B108300 People v. Holt  
B106967 People v. Kelley  
B109412 People v. Berry  
B106214 Jones v. Collins  
B101028 People v. Blackburn  
B106796 People v. Barron  
B108702 People v. Cabrere  
B106870 People v. Green  
B109766 People v. Soltero  
B111409 People v. Rosales  
B102583 People v. Stapleton  
B108996 People v. Hirscher  
B107845 People v. Valentine  
B111516 People v. Ruano  
B111726 People v. Johnson  
B112105 Matter of Matthew T.  
B108949 Fainsbert v. Sackett  
B108057 People v. Mendoza  
B110302 People v. Gray  
B107474 Estate of Tajaddodi  
B101869 Callenback v. U.S. Borax  
B106363 People v. Hernandez & Lopez  
B104306 People v. Chiu  
B098107 People v. Arparcio  
B105809 People v. Chavez  
B107612 People v. Contreas  
B103631 People v. James  
B105622 People v. Nunez  
B109086 People v. Davidson

Argument waived, cause submitted.

DIVISION TWO (Continued)

B106522     People  
              v.  
              Milton

Merits:

Argued by Jerald Newton for appellant and by Rama Maline, Deputy Attorney General for respondent. Cause submitted.

B102917     People  
              v.  
              Ibarra

Merits:

Argued by W. Michael Mayock for appellant and by William Davis, Deputy Attorney General for respondent. Cause submitted.

B109700     Chandler  
              v.  
              Weiss

Merits:

Argued by John Butterfield for appellant and by Dave Lenny for respondent. Cause submitted.

B102260     People  
              v.  
              Lee

Merits:

Argued by Sung Park for appellant and by Herbert Tetef, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B098702     Rodreguez  
              v.  
              Imperial Thrift & Loan

Merits:  
Argued by John Patzakis for appellant and by Gregory Highnote for  
respondent. Cause submitted.

B104615     Yazdanshenas  
              v.  
              American International

Merits:  
Argued by Lana Feldman for appellant and by James Kilkowski for  
respondent. Cause submitted.

B106552     Koretoff  
              v.  
              Rutan & Tucker

Merits:  
Argued by Steven Ruben for appellant and by David Bergland for  
respondent. Cause submitted.

Mr. Justice Nott leaves the bench.

B109755     Berg  
              v.  
              MTC Electronic Technologies

Merits:  
Argued by Robert Zabb for appellant and by Alexander Wiles for  
respondent and by Alan Fairley for respondent. Cause submitted.

Mr. Justice Fukuto leaves the bench.

DIVISION TWO (Continued)

B085065     D.W. Stephan  
               v.  
               Insurance Company of North America

Merits:  
Argued by Roy Weatherup for appellant and by Stephen Thomas for  
respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., Ito, J. (Assigned), and  
G. Villanueva, Deputy Clerk.

B106000     People  
               v.  
               Remba

Merits:  
Argued by Richard Chapnick for appellant and by David Cook, Deputy  
Attorney General for respondent. Cause submitted.

B096394     Masry  
               v.  
               Mercedes-Benz Credit Corp.

Merits:  
Argued by Aurora Harris for appellant and by Rebecca Caley for  
respondent. Cause submitted.

B101641     Singleton, Agatha  
               v.  
               Singleton, Michael

Merits:  
Argued by Dennis Wilson for appellant and by Lucille Boston for  
respondent. Cause submitted.

## DIVISION TWO (Continued)

B109384      Kramer  
v.  
Cotchett, et al.

Merits:

Argued by Steven Kramer, in propria persona and by Robert Meyer and Merrick Bobb for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B107092 People (Not for Publication)  
v.  
Ozaeta, II

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aranda, J. (Assigned)

[illegible]

The judgment (order granting probation) is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

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### DIVISION THREE (Continued)

B108406 People (Not for Publication)  
v.  
Bland

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B106671 People v. Rosser (Not for Publication)

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The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                  Aranda, J. (Assigned)

B104912 People v. Meza (Not for Publication)

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The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B106184 People (Not for Publication)  
v.  
Ochoa

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B095715 Continental Insurance Co., et al. (Not for Publication)  
v.  
Armani Bakery, Inc. et al.

The judgment and orders appealed from are affirmed. Continental and CCS shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B100828 Patricia Caton, et al. (Not for Publication)  
v.  
St. Mary's Medical Center, et al.

The judgment in favor of Barba is affirmed. Costs on appeal to Barba. Barba is awarded also awarded the sum of \$2,275 in sanctions against plaintiffs and Norman L. Schafler jointly.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.



DIVISION THREE (Continued)

B105416      Clarence M. Hyshaw      (Not for Publication)

v.  
Centinela Hospital Assoc., etc. et al.

The judgment is affirmed. The Hospital and attorney Klein are awarded costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                  Aranda, J. (Assigned)

B106307      Bernice Cheng, et al.      (Not for Publication)

v.  
Glendale Federal Savings & Loan, et al.

The judgment in favor of Stefani and the post judgment order awarding her attorney's fees and costs are affirmed. The order dismissing plaintiffs' second amended complaint as against Glendale Federal is affirmed. The Order to Show Cause issued by this court on January 16, 1997 is discharged. Stefani is also entitled to an award of attorney's fees on appeal and this matter is remanded to the trial court to award such fees as it determines on a proper showing to be reasonable. Stefani and Glendale Federal shall recover their costs on appeal.

Croskey, J.

We concur:    Klein, P.J.  
                  Aldrich, J.

DIVISION THREE (Continued)

B096724      Jack Rouman and Mary Rouman, et al.      (Not for Publication)  
v.  
Charles E. Damart and Susan M. Damart

The portion of the judgment which resolves the first phase of the bifurcated trial in which the trial court held in favor of the plaintiffs is affirmed. That portion of the judgment summarily adjudicating issues is affirmed. The portion of the judgment resolved in the second phase of the bifurcated trial in which the trial court held in favor of the cross-defendants Western Security Bank and Gateway Title Company and against appellants is reversed. In all other respects the judgment is affirmed. The order of full reconveyance is also affirmed. The matter is remanded to the trial court with directions to conduct further proceedings consistent with the views expressed herein. Each party shall bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aranda, J., J. (Assigned)

B102970      Thomas A. Bockrath, et al.      (Not for Publication)  
v.  
Hughes Aircraft Company, etc.

The order of dismissal is reversed and the trial court is directed to sustain the demurrer with leave to amend and to conduct further proceedings consistent with the views expressed herein. The parties are to bear their own costs on appeal.

Croskey, Acting P.J.

We concur: Aldrich, J.  
Aranda, J. (Assigned)

DIVISION THREE (Continued)

B111474      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Edward S.

The Court:

The appeal is dismissed.

Klein, P.J., Croskey, J., Aldrich, J.

B094578      Cel-Tech Communications, Inc. etc. et al              (Certified for Publication)  
                 v.  
                 Los Angeles Cellular Telephone Co.

The judgment is affirmed with respect to the first, second and third causes of action, and is reversed as to the fourth cause of action for violation of section 17200. The fourth cause of action shall be retried (*Pinsker, supra*, 1 Cal.3d at p. 167), guided by the legal principles enunciated in this opinion. The trial court's award of costs to L.A. Cellular is also reversed. Plaintiffs are awarded their costs on appeal.

Klein, P.J.

We concur:    Croskey, J.  
                 Aldrich, J.

DIVISION FOUR

B095250      People  
                 v.  
                 Celestine

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

November 20, 1997-Continued

## DIVISION FOUR (Continued)

B109915 People (Not for Publication)

V.

Jimmy Alexander M.

The order under review is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B112172      People      (Not for Publication)

V.

Cam

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Hastings, J.

B097396 Mellone

V.

MacKenzie

Filed order denying petition for rehearing.

## DIVISION FOUR (Continued)

B104300 People v. Weiss (Not for Publication)

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The Court:

For the foregoing reasons, we modify the judgment to reflect 218 days of presentence custody credits rather than the 80 days previously awarded by the trial court, direct the trial court to prepare and forward to the Department of Corrections an amended Abstract of Judgment, and as amended, affirm the judgment.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

B107702 People (Not for Publication)  
v.  
Simpson

The Court:

For reasons explained in this opinion, we reject these contentions and affirm the judgment.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B107868 People (Not for Publication)  
v.  
Flournoy

The Court:

For the foregoing reasons, this appeal is dismissed.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

## DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the judgment is reversed and the matter remanded for further proceedings in accordance with this opinion.

Epstein, Acting P.J., Hastings, J., Baron, J.

B101313      People                    (Not for Publication)  
v.  
Casteneda

The Court:

For the foregoing reasons, this matter is remanded for resentencing in accord with this opinion. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

B106759 People (Not for Publication)  
v.  
Hernandez

The judgment is reversed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.

## DIVISION FOUR (Continued)

B103771      People  
v.  
Quinn

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

B113530      Tulley      (Not for Publication)  
v.  
S.C.L.A.  
Good Samaritan Hospital

Let a writ of mandate issue directing the respondent superior court to set aside its order sustaining the demurrer to the ninth cause of action of the first amended complaint, and enter a new order overruling the demurrer. The alternative writ, having served its purpose, is discharged. Ms. Tully is to have her costs in bringing this petition.

Epstein, Acting P.J.

We concur: Hastings, J.  
Baron, J.

## DIVISION FIVE

B110965      People                                  (Not for Publication)  
v.  
Jose S. Torres

Appeal dismissed by opinion.

Turner, P.J.

We concur: Grignon, J.  
Jackson, J. (Assigned)

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

B111316      Ventura County PSSA      (Not for Publication)  
v.  
Patsy M.  
In re Sherniec M.

Remanded to the trial court with directions.

Stone, P.J.

We concur:    Gilbert, J.  
                         Coffee, J.

B111102      People                                  (Not for Publication)  
v.  
Benjamin E., a minor

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.  
Coffee, J.



November 20, 1997-Continued

## DIVISION SIX (Continued)

B114431 People (Not for Publication)  
v.  
Acereto

The judgment is affirmed.

Yegan, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur:     Stone, P.J.  
                         Gilbert, J.

## DIVISION SEVEN

B098926      Los Angeles Unified School District  
v.  
City of Los Angeles

Filed order denying petition for rehearing.

B095440      West  
v.  
Lloyd's

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B105267     McMahon

v.

El Camino College

Filed order denying petition for rehearing.

B098599     People

v.

Vong

Filed order denying petition for rehearing.